

REMARKS

The Office Action mailed 24 August 2004 has been reviewed, and the comments of the U.S. Patent Office have been considered. Claims 2 and 6-8 were previously amended, and claims 1, 3-5 and 9 remain as previously presented. Thus, claims 1-9 are respectfully submitted for reconsideration by the Examiner.

The Examiner is thanked for approving the proposed drawing correction filed 4 June 2004. Submitted concurrently under separate cover is a Drawing Replacement Sheet incorporating the approved drawing correction.

Claims 1-5 and 9 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,389,856 to Watanuki et al. (Watanuki) in view of European Patent No. 0818596 to Sivonen et al. (Sivonen). Claim 6 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Watanuki in view of Sivonen, and further in view of UK Patent No. 2 169 651 to Mullin et al (Mullin). Claim 7 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Watanuki in view of Sivonen and Mullin, and in further view of U.S. Patent No. 5,974,661 to Neuhalfen. And claim 8 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Watanuki in view of Sivonen, and further in view of U.S. Patent No. 5,974,661 to Nagae et al. (Nagae). These rejections are respectfully traversed in view of the following comments.

Watanuki, which is the primary reference in all of the rejections, qualifies as prior art only under 35 U.S.C. 102(e). In particular, Watanuki was granted on an application filed in the United States on 7 June 2000, which is after the International Filing Date (29 November 1999) of International Application No. PCT/DE99/03773 and after the claimed priority date (1 December 1998) of German Application No. 198 55 342.0, from which the present application claims the benefit of priority under 35 U.S.C. § 365(b). In order to complete perfecting the claim for priority, enclosed herewith are a certified copy of German Application No. 198 55 342.0 and an English language translation of the German Application including a declaration as to the accuracy of the translation.

Thus, it is respectfully submitted that Watanuki is eliminated as prior art, and that the rejections based on Watanuki should be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and allowance of the present application.

Should the Examiner feel that there are any issues outstanding after consideration of this reply, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution of the application.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. **This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).**

Respectfully submitted,

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